

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

MARCO ANTONIO MERREN FUNES,

Defendant.

Preliminary Order of Forfeiture/Money Judgment

S4 14 Cr. 664 (PGG)

WHEREAS, on April 5, 2016, Marco Antonio Merren Funes (the “Defendant”), was charged with the violations of Title 21, United States Code, Section 963 (“Count One”) and Title 18, United States Code, Section 924(o), set forth in Information S4 14 Cr. 664 (PGG) (the “Information”);

WHEREAS the Information included forfeiture allegations with respect to Count One seeking, pursuant to Title 21, United States Code, Section 853, the forfeiture to the United States of any and all property constituting or derived from any proceeds the Defendant obtained directly or indirectly as a result of the offense charged in Count One of the Information, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of the Information;

WHEREAS, on April 5, 2016, the Defendant pleaded guilty to Count One of the Information pursuant to a plea agreement in which he admitted to the forfeiture allegations in the Information; and

WHEREAS Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that “no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment,”

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the Defendant's guilty plea to the offense charged in Count One of the Information, a money judgment in the amount of \$27 million (twenty seventy million) in United States currency (the "Money Judgment") shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, this Order is final as to the Defendant, and shall be deemed part of the sentence of the Defendant, and shall be incorporated into the judgment of conviction.

3. All payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the Defendant's name and case number.


4. Upon entry of this Preliminary Order of Forfeiture/Money Judgment, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture/Money Judgment to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

SO ORDERED:



THE HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE

December 17, 2020

Date